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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,933	03/05/2002	Holger Jahn	1891/50917	5283

23911 7590 01/13/2004

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

ROYAL, PAUL

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,933

Applicant(s)

JAHN, HOLGER

Examiner

Paul Royal

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,8 and 11, 14-19,21 is/are rejected.
- 7) ☒ Claim(s) 9,10,12,13 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 1-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected wheel chair tire, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

Applicant's arguments are not persuasive because the non-elected claims are wholly directed to the wheel chair tire but not the wheel chair and are therefore appropriately restricted so that the proper examining unit can review the claims. Note, where the elected claims of the instant invention present both a wheel chair tire and a wheel chair which recites that claimed tire, the claims are being examined together in this action.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 24 September 2003 has considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7, 8, 11, 14-19, 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minnebraker (4,351,540) in view of Harms (US 6,142,201).

Minnebraker teaches a wheelchair assembly comprising:

a wheelchair seat (38) for a wheelchair occupant, and a pair of wheels (130) disposed at lateral sides of the seat and being manually rotatable by the wheel chair occupant, wherein each wheel includes a rim (138) surrounded by a tire, each tire having a tire carcass (142) surrounded by a running profile,

wherein said offset angle is between 9 degrees and 16 degrees, and

wherein each wheel includes a driving ring (144) manually engageable by the wheelchair occupant to drive the wheel.

Minnebraker does not teach wherein the running profile of each of the tires is asymmetrically disposed with respect to a tire carcass center plane with portions of at least one of the running profile and carcass disposed laterally outward.

Harms teaches a tire having a running profile which is asymmetrically disposed with respect to a tire carcass center plane (26, see Figure 3) wherein portions of at least one of the running profile and carcass is disposable laterally outward. Such an asymmetric tread design helps steering, allowing for a larger profile tire surface inboard.

For claims 8 and 16, note the running profile is symmetrically configured and arranged laterally offset with respect to the center plane by a predetermined offset angle, see column 3, lines 15-17.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the wheelchair assembly and tire Minnebraker to include wherein

the running profile of each of the tires is asymmetrically disposed with respect to a tire carcass center plane with portions of at least one of the running profile and carcass disposed laterally outward, as taught by Harms, for better steering.

Allowable Subject Matter

4. Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not show a wheel chair wherein the predetermined offset angle corresponds to a wheel camber of a wheelchair wheel.

5. Claims 12, 13 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not show a wheelchair assembly and tire having the claimed limitations including a low friction coating on the portions configured to be smooth.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mizata et al. teaches a tire wheel. Mirtain et al. teaches asymmetric tires. Webb teaches tires. Jacuzzi et al. teaches a foldable wheelchair.

Art Unit: 3611

Hamilton teaches a wheelchair. Danecker teaches a wheelchair. Ochiai teaches a tire carcass profile. Weege teaches an adjustable wheelchair. Mayes teaches a wheel mounting apparatus for wheelchairs. Parenzuela teaches a one piece wheelchair wheel. Swift et al. teaches an asymmetric tire.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



P. Royal
December 22, 2003

Paul Royal
Examiner
Art Unit 3611



LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600